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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,741	09/22/2005	Radu Catalin Surdeanu	NL03 0347 US1	6084

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
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EXAMINER

LIN, JOHN

ART UNIT	PAPER NUMBER
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2815

NOTIFICATION DATE	DELIVERY MODE
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08/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/550,741	Applicant(s) SURDEANU ET AL.	
	Examiner JOHN LIN	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 7, 10, 13, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,667,525, granted to "Rhee" in view of U.S. Patent 6,399,515, granted to "Tao."

Claims 6, 7 and 17: Rhee discloses an MIS type semiconductor device, Fig. 3, comprising:

a semiconductor substrate (21),

a gate electrode (23 and 24) formed on a gate insulating film (22) and formed of gate material,

wherein the gate electrode comprises:

a first layer of activated crystalline gate material (23) having a first side oriented towards the substrate, a second side oriented away from the substrate and a grain size, and

a second layer of gate material (24) at the second side of the first layer of activated crystalline gate material, the second layer of gate material having a grain size,

wherein the grain size of the first layer of activated crystalline gate material is smaller than the grain size of the second layer of gate material (column 5, lines 5-52).

Rhee appears not to explicitly disclose the first layer of activated crystalline gate material having a doping level of 10^9 ions/cm³ (claim 6), 10^{20} ions/cm³ (claim 7), 5×10^{20} ions/cm³ (claim 17) or higher.

Tao, however, discloses and motivates a gate electrode doped to a level greater than about 10^{20} dopant atoms per cubic centimeter in order to assure optimal conductivity (column 9, lines 14-37).

To assure optimal conductivity therefore it would have been obvious to modify Rhee so the first layer of activated crystalline gate material has a doping level greater than 10^{20} ions/cm³.

Claim 10: Rhee discloses the second layer of gate material consists of polycrystalline gate material (column 5, lines 5-10).

Claim 13: Rhee discloses a gate insulator (22) is provided between the semiconductor substrate and the gate electrode (Fig. 3; column 5, lines 26-27).

Claim 14: Gardner et al. teach the device is a transistor (column 5, lines 5-6).

3. Claims 8, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Tao as applied to claims 6, 7, 10, 13, 14 and 17 above, and further in view of U.S. Patent 6,172,399, granted to "Lee."

Claims 8, 18 and 19: Rhee in view of Tao discloses all the limitations of claim of claim 6. Rhee in view of Tao appears not to explicitly disclose the doping implant in the activated gate material has an abruptness of about 2nm or more (claim 8); about 1.5nm (claim 18) or more; or about 1nm (claim 19).

Lee, however, discloses and motivates a profile abruptness less than 10nm per order of magnitude change in dopant concentration in order to have better threshold voltage roll-off characteristics (column 1, lines 54-58).

To have better threshold voltage roll-off characteristics therefore it would have been obvious to modify Rhee to have a doping implant in the activated gate material have an abruptness of a doping profile of about 10nm or less.

Also, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Tao as applied to claims 6, 7, 10, 13, 14 and 17 above, and further in view of U.S. Patent 6,160,300, granted to "Gardner."

Claim 9: Rhee in view of Tao discloses all the limitations of claim of claim 6 and Rhee further discloses the second layer of gate material consists of polycrystalline gate material (column 5, lines 5-10). Rhee in view of Tao appears not to explicitly disclose the second layer of gate material consists of amorphous gate material.

Gardner, however, discloses polysilicon and amorphous silicon are suitable materials for an upper layer of a gate electrode (column 7, lines 21-32). The selection of a known material based on its suitability for its intended purpose is obvious (see, for example, MPEP § 2144.07, and precedents cited therein).

Because polysilicon and amorphous silicon are art-recognized suitable materials for an upper layer of a gate electrode, therefore, it would have been obvious to modify Rhee to have made the second layer of gate material from amorphous gate material.

5. Claims 11, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Tao as applied to claims 6, 7, 10, 13, 14 and 17 above, and further in view of U.S. Patent 5,290,712, granted to "Sato."

Claims 11, 12 and 20: Rhee in view of Tao discloses all the limitations of claim 6. Rhee in view of Tao appears not to explicitly disclose the first layer is crystalline or very fine-grained, with grains below 5 nm (claim 12) or the grain size in the second layer is below about 40 nm (claim 11) or below about 30nm (claim 20).

Sato, however, discloses a gate material having grain sizes of 10 Å to a few hundred Å (column 8, lines 33-37) to achieve desired conductivity.

To achieve desired conductivity therefore it would have been obvious to modify Rhee to have made the first layer and second layer with grain sizes between 10 Å to a few hundred Å.

Also, in the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a *prima facie* case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

Response to Arguments

6. Applicant's arguments filed May 6, 2008 have been fully considered but they are not persuasive.

Regarding claim 12, applicant contends Sato is insufficient to anticipate a grain size of less than 5 nm.

Examiner notes that the rejection of claim 12 is an obviousness rejection and not an anticipation rejection. Also, in the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a *prima facie* case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

7. Applicant's arguments with respect to claims 6-14 and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN LIN whose telephone number is (571)270-1274. The examiner can normally be reached on M-F, 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth A Parker/
Supervisory Patent Examiner, Art Unit 2815

/J. L./
Examiner, Art Unit 2815